

## Message Text

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47

ACTION EB-07

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 RSC-01 FAA-00 L-02 /026 W

----- 033948

R 050943Z FEB 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 0412

C O N F I D E N T I A L MANILA 1604

E.O. 11652: GDS

TAGS: EAIR, RP

SUBJECT: CIVAIR - PAN AM CARGO PERMIT

1. IN RESOLUTION DATED JAN 30, WHICH CONVEYED TO PAN AM  
FEB. 4, PHIL CAB HAS DENIED PAN AM MOTION TO RECONSIDER.  
TEXT AS FOLLOWS: QUOTE

AFTER CONSIDERING PAN AM'S MOTION FOR RECONSIDERATION  
DATED NOV. 18, 1974 AND SUPPLEMENTAL MOTION FOR RECONSIDERATION  
AND/OR ADDITIONAL ARGUMENT IN SUPPORT OF ACTION FOR RECON-  
SIDERATION DATED NOV 26, 1974 AND SUPPLEMENTAL OPPOSITION  
DATED NOV 28, 1974 AND FINDING INTER-ALIA THAT:

1. SINCE PAN AM ITSELF CONSISTENLY APPLIED FOR,  
CHARACTERIZED AND REPRESENTED THAT ITS ALL-CARGO FLIGHTS  
WERE MILITARY ALL CARGO FLIGHTS, IT IS THEREFORE NOW ESTOPPED  
FROM CLAIMING OTHERWISE;

2. THE TEMPORARY PERMITS GRANTED TO PAN AM WERE FOR  
THE OPERATION OF MILITARY ALL-CARGO FLIGHTS ONLY (NOT  
COMMERCIAL CARGO FLIGHTS) WITH FIXED EXPIRATION DATES; AND

3. PAN AM'S MILITARY CARGO FLIGHTS ARE NOT COVERED  
BY THE EXISTING INTERIM AIR ARRANGEMENT BETWEEN THE PHILIP-  
PINES AND THE UNITED STATES WHICH INVOLVES THE OPERATION  
OF COMMERCIAL PASSENGER AND/OR CARGO FLIGHTS BETWEEN THE  
TWO COUNTRIES,

THE BOARD RESOLVED, AS IT HEREBY RESOLVES, TO DENY THE SAID  
MOTION FOR RECONSIDERATION FOR LACK OF MERIT. UNQUOTE

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2. FOLLOWING RECEIPT COPY OF RESOLUTION, ECON/COMMERCIAL

COUNSELOR CALLED ON AMB MABILANGAN AND IN EFFECT TOLD HIM THAT ISSUE HAD REACHED A CRUNCH. WHILE IT MIGHT BE DEBATED AT LENGTH AS TO WHETHER (A) PAN AM CARGO RIGHTS WERE QUOTE COMMERCIAL UNQUOTE OR QUOTE MILITARY UNQUOTE IN CHARACTER OR (B) THESE RIGHTS WERE OR WERE NOT INCLUDED UNDER THE TERMS OF THE AUG 10, 1974 AGREEMENT, THE OPERATIONAL FACT WAS THAT AN ESTABLISHED RIGHTS OF A U.S. CARRIER HAD BEEN WITHDRAWN. US CAB, THEREFORE, WOULD BE UNDER GREAT PRESSURE TO TAKE CORRECTIVE ACTION WHICH VARIOUSLY COULD RESULT IN RESTRAINTS ON PAL. IT WAS ALSO STRESSED THAT FOREGOING PHIL CAB DECISION WOULD AROUSE IMMEDIATE NEED FOR U.S. RESPONSE.

3. AT END LENGTHY DISCUSSION CONCERNING NATURE OF PAN AM PERMIT. MABILANGAN SAID HE WOULD AGAIN PUT TO GENERAL ROMULO THE POSSIBILITY OF RESTORING PAN AM'S BASIC PERMIT POSSIBLY LIMITED TO MILITARY CARGO AND MAIL. ECON/COMMERCIAL COUNSELOR SAID IN VIEW PHIL CAB ACTION, TIME WAS OF THE ESSENCE. MABILANGAN SAID HE WOULD TRY TO TALK WITH ROMULO FEB 6.

4. COMMENT. IT WOULD BE FOOLISH AT THIS STAGE TO SUGGEST THAT MABILANGAN WILL SOLVE THE PROBLEM TOMMORROW, BUT WE SHOULD GIVE HIM TIME FOR A COLLEGE TRY. IN MEANTIME, THERE IS A GRAPEVINE REPORT THAT THE US CAB ENFORCEMENT DIVISION HAS CONCLUDED PAN AM'S PERMIT WAS NOT REPEAT NOT A RIGHT PROTECTED UNDER THE TERMS OF THE AUG 10 AGREEMENT. WE PRESUME THIS IS ALSO KNOWN TO PAL AND GOP, AND WE WONDER WHAT PREMISES WASHINGTON MAY HAVE IN MIND FOR OUR NEXT DEMARCHE, BEYOND THOSE SUGGESTED ABOVE.  
SULLIVAN

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CARGO HANDLING, CIVIL AVIATION, RESOLUTIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 FEB 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Errors:** N/A  
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**Subject:** CIVAIR - PAN AM CARGO PERMIT  
**TAGS:** EAIR, RP, PANAM  
**To:** STATE  
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